

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Jonathan S. Daniels,
Plaintiff

v.

Case No. 1:10-cv-148

Kroger Company¹, et al.,
Defendants

ORDER

This matter is before the Court on the Magistrate Judge's Report and Recommendation filed January 21, 2011 (Doc. 30).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947 (6th Cir. 1981). As of the date of this Order, no objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, we find the Magistrate Judge's Report and Recommendation correct.

Accordingly, it is **ORDERED** that the Report and Recommendation of the Magistrate Judge is hereby **ADOPTED**. Defendants City of Hamilton Police Department, Scott M. Arbino, and Kevin M. Ruhl's motion for summary judgment is **GRANTED**. Defendants Jim A. Betas and The Kroger Limited Partnership I's motion to dismiss and motion for summary judgment are **GRANTED**. The matter is **DISMISSED**.

Date: February 11, 2011

s/Sandra S. Beckwith
Sandra S. Beckwith, Senior Judge
United States District Court

¹Kroger asserts that its proper designation is The Kroger Limited Partnership I.